

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

DONNA CURLING, ET AL.

Plaintiffs,

v.

BRIAN KEMP, ET AL.

Defendants.

**Civil Action
No. 1:17-cv-02989-AT**

PLAINTIFFS' JOINT SUPPLEMENTAL SUBMISSION

Pursuant to this Court's Order (Doc. 280), the Coalition Plaintiffs¹ and the Curling Plaintiffs² (together, the "Plaintiffs") file this joint supplemental submission to explain why additional time is needed for the hearing set for September 12, 2018, at 11:00 a.m. Eastern time. (the "Hearing").

I. Request for More Time.

The Plaintiffs respectfully request that this Court permit an additional hour for Plaintiffs' side at the Hearing.

¹ Plaintiffs Coalition for Good Governance, William Digges III, Laura Digges, Megan Missett, and Ricardo Davis.

² Plaintiffs Donna Curling, Donna Price, and Jeffrey Schoenberg.

II. Reasons Why More Time Is Needed.

In its Order of September 4, 2018, this Court allocates 2 hours to the presentation of witness testimony or other evidence—1 hour per side. (Doc. 280, at 2–3, ¶ 3.)

In the Joint Notice of Parties in Advance of Hearing (Doc. 282) filed earlier today, the parties estimated their time requirements for witnesses as follows:

- the Coalition Plaintiffs indicated they may call 2 witnesses for a total of 10–20 minutes of direct examination;
- the Curling Plaintiffs indicated they may call 3 witnesses for a total of 15–45 minutes of direct examination; and
- the Defendants together indicated they may call 3 witnesses for a total of 35–45 minutes of direct examination.

Under this proposal, the Plaintiffs’ side would potentially require 1:05 just to conduct their own direct examinations. When the Plaintiffs’ need to conduct cross-examinations of the Defendants’ 35–45 minutes of direct testimony is considered, there is good cause to enlarge the Plaintiffs’ side’s combined total time from 1 hour to 2 hours. To the extent Plaintiffs do not use their entire 2 hours to conduct witness examinations, this Court will benefit from the Plaintiffs’ side’s ability to reserve any leftover time for closing argument that can help to contextualize the

live testimony and record evidence. The State Defendants do not believe additional time is necessary, and the Fulton County Defendants have advised that they will separately respond to this submission. (Doc. 282, at 5, § III.)

Folding the Plaintiffs' proposal into the framework established by the Court for the Hearing would yield the following schedule:

Hearing convenes & appearances	11:00 a.m.–11:05 a.m.
Oral argument on issues of immunity and any other asserted jurisdictional defenses—15 minutes per side	11:05 a.m.–11:20 a.m. (Plaintiffs). 11:20 a.m.–11:35 a.m. (Defendants). (Pls.' rebuttal from time reserved.)
Argument from both sides regarding preliminary injunction motions—30 minutes per side	11:35 a.m.–12:05 p.m. (Plaintiffs). 12:05 p.m.–12:35 p.m. (Defendants). (Pls.' rebuttal from time reserved.)
Live testimony and argument—2 hours for Plaintiffs' side, 1 hour for Defendants' side, divided as parties choose between direct, cross, and closing argument	12:35 p.m.–3:35 p.m. Plaintiffs' witnesses, then Defendants' witnesses, then closing argument: Pls., Defs., then Pls.' rebuttal.

The Plaintiffs respectfully submit that good cause exists for this Court to enlarge the 1 hour per side currently allocated to the presentation of witness testimony or other evidence and instead provide 2 hours to Plaintiffs' side and 1 hour to Defendants' side for these purposes, and for closing argument.

CONCLUSION

The Plaintiffs respectfully submit this Plaintiffs' Joint Supplemental Submission and, for the reasons set forth above, respectfully request that the Court permit an additional hour for Plaintiffs' side at the Hearing.

Dated: September 7, 2018.

Respectfully submitted,

/s/ Robert A. McGuire, III

Robert A. McGuire, III

Admitted Pro Hac Vice (ECF No. 125)

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CERTIFICATE OF COMPLIANCE WITH LR 5.1C, NDGa

I hereby certify pursuant to LR 7.1D, NDGa that the foregoing document has been prepared with one of the font and point selections approved by this Court in LR 5.1C, NDGa, using a 14-point Times New Roman font.

/s/ Robert A. McGuire, III

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CERTIFICATE OF SERVICE

I hereby certify that on September 7, 2018, I electronically filed the foregoing PLAINTIFFS' JOINT SUPPLEMENTAL SUBMISSION with the Clerk of Court using the CM/ECF system, which will automatically send email notification of such filing to all attorneys of record, according to the Court's Electronic Mail Notice List.

/s/ Robert A. McGuire, III

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